

PATENT USSN: 10/768,093
Atty Dkt: 034047.033CON4

REMARKS

The Office action mailed 28 December 2005, has been received and its contents carefully noted. By this amendment, claims 10, 16, 17, 20, 22, and 25 have been amended. Claims 1-9, 12-15, 23-24 and 27-30 are canceled. Claim 31 has been added. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended is respectfully requested.

Restriction Requirement

In the Office action mailed 28 December 2005, the Examiner required a restriction as follows:

- I. Claims 8-9, 12-15, 29-30 drawn to nucleic acids
- II. Claims 10-11 and 25-28 drawn to polypeptides
- III. Claims 16-24 drawn to methods of inducing an antigenic response

The Examiner deemed that the inventions of Groups I through III are distinct and only related as products and processes.

Applicants hereby elect to prosecute the claims of Invention II, with traverse. In particular, Applicants traverse the restriction of Inventions II and III. Specifically, the claims of invention III, as amended, are dependent on the claims of Invention II. The process claims of III must employ the polypeptide having SEQ ID NO:9 as provided in claim 10 (Invention II). Therefore, there is no undue burden to search and consider the claims of Invention III as one need only search and consider the patentability of a polypeptide having SEQ ID NO:9. Should the restriction be maintained, Applicants respectfully request the right for rejoinder under MPEP 821.04(b).

Applicants also reserve the right to pursue any canceled claims in a continuing application without prejudice or disclaimer.

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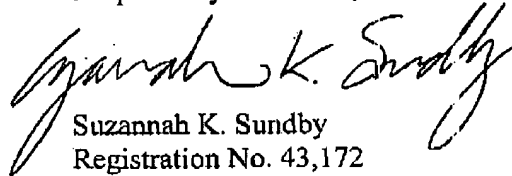
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CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our **Deposit Account No. 210-380**, Attorney Docket No. **034047.033CON4**.

Respectfully submitted,



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